



## Senate

General Assembly

February Session, 2008

**File No. 507**

Senate Bill No. 268

*Senate, April 7, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT PROHIBITING SMOKING IN MOTOR VEHICLES WITH MINOR CHILDREN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this  
2       section, "smoke" or "smoking" means the lighting or carrying of a  
3       lighted cigarette, cigar, pipe or similar device.

4       (b) (1) No person shall smoke in a motor vehicle, whether in motion  
5       or at rest, when there is a child six years of age or under or weighing  
6       less than sixty pounds and required under subsection (d) of section 14-  
7       100a of the general statutes to be secured in a child restraint system in  
8       such vehicle.

9       (2) A person who holds a cigarette, cigar, pipe or similar device to,  
10      or in the immediate proximity of, his or her mouth while such vehicle  
11      is in motion or at rest is presumed to be smoking within the meaning  
12      of this section. The presumption established by this subdivision is  
13      rebuttable by evidence tending to show that the person was not

14 smoking in the motor vehicle.

15 (c) Any person found guilty of smoking in violation of subsection  
16 (b) of this section shall have committed an infraction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	New section

**KID**      *Joint Favorable C/R*

JUD

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 09 \$	FY 10 \$
Municipal Police Departments	None	None	None

### **Explanation**

The bill establishes a new infraction for smoking in a motor vehicle in the presence of a child. The total amount payable for this infraction would be between \$84 and \$146.<sup>1</sup> The bill does not include this new infraction among fines, fees, and surcharges<sup>2</sup> that must be deposited into the Special Transportation Fund<sup>3</sup>; consequently, any revenues generated under the bill would be deposited into the General Fund.

Both state and municipal police officers would be responsible for enforcing this statute. It is anticipated that such enforcement would be accommodated within the course of an officer's normal duties, resulting in no additional cost to the state or municipalities.

### **The Out Years**

The annualized ongoing fiscal impact identified above would

<sup>1</sup> In accordance with CGS 51-164m, the judges of the Superior Court establish and maintain a schedule of fines to be paid for the violation of the sections of the general statutes deemed to be infractions. No such fine may be less than \$35 or more than \$90. In addition to this "base" fine, a cost of \$35 (pursuant to CGS 54-143a) and a fee between \$4 and \$11 (pursuant to CGS 51-56a(c)) would be included.

<sup>2</sup> CGS 13b-59(g)

<sup>3</sup> In accordance with CGS 13b-59(d) and 13b-61(b)(4).

remain relatively constant into the future since fine amounts are set by statute.

**OLR Bill Analysis****SB 268*****AN ACT PROHIBITING SMOKING IN MOTOR VEHICLES WITH MINOR CHILDREN.*****SUMMARY:**

This bill makes it an infraction, subjecting violators to civil fines, to smoke in a motor vehicle in the presence of a child (1) under age seven or (2) weighing less than 60 pounds. By law, children with these characteristics are required to be secured in child seats when the vehicle is in motion.

The bill defines smoking as the lighting or carrying of a lighted cigarette, cigar, pipe or similar device.

It creates a presumption that a person is smoking when he or she holds a cigarette, cigar, pipe, or similar device to, or in the immediate proximity of his or her mouth, regardless of whether the vehicle is moving. The presumption can be rebutted by evidence that tends to show that the person was not smoking in the vehicle.

EFFECTIVE DATE: October 1, 2008

**COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Change of Reference

Yea 7 Nay 2 (03/04/2008)

Judiciary Committee

Joint Favorable

Yea 29 Nay 14 (03/24/2008)